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10 **IN THE UNITED STATES DISTRICT COURT**

11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

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UNITED STATES OF AMERICA,	)	No. CR 11-596 LHK
v.	)	STIPULATION RE CONTINUANCE
MARIA HERNANDEZ,	)	OF STATUS DATE; <del>[PROPOSED]</del>
Defendant.	)	ORDER
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16 It is hereby stipulated between the defendant Maria Hernandez, by and through her attorney of  
17 record VICKI H. YOUNG, and the government, through Assistant United States Attorney Thomas  
18 M. O'Connell, that the status date of February 29, 2012, at 10:00 a.m. be continued to March 7,  
19 2012, at 10:00 a.m. The reason for this continuance is that the defense counsel has requested some  
20 additional discovery from the government and needs to see the discovery before deciding how to  
21 proceed in the matter. Further, counsel is waiting for the sentencing of co-defendant Adrian  
22 Gamino, also set for March 7, 2012, in order to better evaluate case strategy.

23 Under Title 18 U.S. C. §3161(h)(7)(B)(iv), the continuance is necessary to allow the attorneys  
24 for the government and the defense the reasonable time necessary for effective preparation taking  
25 into the account the exercise of due diligence. Since defense counsel needs additional time to

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STIPULATION RE CONTINUANCE;  
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1 receive the requested discovery and discuss case developments with her client, the time period from  
2 February 29, 2012, through March 7, 2012, should be excluded.

3 It is so stipulated.

4 Dated: February 27, 2012

Respectfully submitted,

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7 /s/ Vicki H. Young  
VICKI H. YOUNG, ESQ.  
8 Attorney for Maria Hernandez

9 Dated: February 27, 2012

MELINDA HAAG  
10 UNITED STATES ATTORNEY

11 /s/ Thomas M. O'Connell  
12 THOMAS M. O'CONNELL  
13 Assistant United States Attorney

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STIPULATION RE CONTINUANCE;  
[PROPOSED] ORDER

## **PROPOSED ORDER**

GOOD CAUSE BEING SHOWN, the status date appearance set for February 29, 2012, is continued to March 7, 2012. This Court finds that the period from February 29, 2012, through and including March 7, 2012, is excludable time under the Speedy Trial Act, 18 U.S.C. §3161(h). The basis for such exclusion is that additional time is needed for defense counsel receive additional discovery and to see whether the co-defendant will be sentenced on March 7, 2012. Therefore the ends of justice served by such a continuance outweigh the best interest of the public and the defendants in a Speedy Trial within the meaning of Title 18 U.S.C §3161(h)(7)(A).

As required by 18 U.S.C §3161 (h)(7)(A), this Court finds that the reason that the ends of justice outweigh the best interest of the public and the defendant in a speedy trial are the denial of the continuance would unreasonably deny both the attorney for the government and the attorney for the defendant reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §3161(h)(7)(B)(iv)

DATED: 2/28/12

(7)(B)(iv)   
LUCY H. KOH  
U.S. DISTRICT JUDGE

LUCY H. KOH  
U.S. DISTRICT JUDGE

**STIPULATION RE CONTINUANCE  
[PROPOSED] ORDER**